

MR3277-2/CIP
Serial Number: 10/627/654
Reply to Office Action dated 8 October 2004

REMARKS

This case has been carefully reviewed and analyzed in view of the Office Action dated 8 October 2004. Responsive to that Office Action, Claims 1, 5, 7, 9, and 16 have now been amended, and Claim 17 has been newly inserted for further prosecution with the other pending Claims. It is believed that with such amendment of Claims, there is a further clarification of their recitations.

In the Office Action, the Examiner first objected to Claim 16 for a punctuational informality. This has now been corrected by appropriate amendment.

A typographic error was incidentally noted in Claim 9. That Claim has been corrected by appropriate amendment as well.

Also in the Office Action, the Examiner provisionally rejected Claims 1-16 under the doctrine of obviousness-type double patenting, with reference to Application 10/627,703. Application 10/627,703 is co-owned with the subject Patent Application. Accordingly, a Terminal Disclaimer and fee relating to that Application is being concurrently filed to overcome the Examiner's provisional double patenting rejection. Copies of the Terminal Disclaimer and its accompanying Transmittal Letter are attached.

Also in the Office Action, the Examiner rejected Claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over the Su reference. In setting forth this rejection, the Examiner acknowledged that Su does not disclose a number of features, but reasoned that such features would have been obvious to one of ordinary skill in the art.

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As newly-amended independent Claims 1, 5, and 7 each now more clearly recite, Applicants' claimed method and system includes among its unique combination of features co-locating at each of a plurality of remote stations a processor-based device by which biometric signals of insects may be sensed at the remote station. These biometric signals are not only sensed, they are automatically processed "in situ" for "comparative verification" relative to certain stored "characteristic biometric signal information" accurately indicative of the targeted insect species, as each of the Claims 1, 5, and 7 also now more clearly recites.

The full combination of these and other features now more clearly recited by Applicant's pending Claims are nowhere disclosed by the cited Su reference. Note, for instance, that Su's sensors are nothing more than passive circuit elements which hardly possess any capability to provide both detection and verification functions in the manner provided at each of Applicant's remote stations. As the reference itself clearly explains, Su's monitoring sensors are formed very simply by such elements as a "thin line ... of silver particle," or "a zigzag pattern" applied "on the surface of a monitoring device" (Column 5; Lines 36-38). These circuit elements are disposed within a conductive circuit path which leads from and to a central data collection unit, and are each applied with cellulose or other material that termites would feed upon.

Sensing occurs "as termites easily chew through the [sensors'] relatively thin circuit tracing while chewing the cellulose material," (Column 5; Lines 58-60), so as to break the

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conductive path. The resulting circuit break is presumed by the data collection unit to necessarily be a positive indication of termite presence at the chewed remote sensor. Such presumptive sensing operation precludes any automatic "comparative verification" relative to a stored "characteristic biometric signal information" for the targeted insect, much less such processor-based verification "in situ," as newly-amended independent Claims 1, 5, and 7 now more clearly recite, for instance. The indirect nature of such sensing operation, moreover, obviates the need for any generation and transmission of "a positive alert signal" from the remote station where sensing actually occurs, as Claims 1 and 7 also now more clearly recite.

While Su's data collection unit is equipped with means to guard against false indications (or the lack thereof) due to such things as soil humidity, moisture, line continuity, and other environmental conditions, it is nowhere equipped with any means to both sense and verify based on certain stored "characteristic biometric signal information" specific to the particular targeted insect species itself, as Applicant's independent Claims each clearly recite. Nor is Su's data collection unit disposed with any remote sensor to carry out such sensing and "comparative verification" functions "in situ" at the remote stations, as Applicant's newly-amended independent Claims also now more clearly recite.

Quite to the contrary, Su's data collection unit is prescribed to serve as a processor that is commonly shared by the distributed sensors; hence, it is necessarily disposed at a location centrally accessible to all the distributed sensors rather than at the sensors themselves.

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Prescribed as they are for their simplicity and efficiency in carrying out remote termite sensing, Su's termite-chewable conductive elements actively preclude the provision of any processor-based measures at the remote sensing sites, themselves, let alone the sensing of biometric signals there for processor-based "comparative verification" "in situ." It is respectfully submitted, therefore, that the cited Su reference fails to disclose the unique combination of elements now more clearly recited by Applicant's pending Claims for the purposes and objectives disclosed in the subject Patent Application.

The other references cited but not used in the Office Action are found to be further remote from Applicants' pending Claims when patentability considerations are taken into account.

It is now believed that the subject Patent Application has been placed fully in condition for allowance, and such action is respectfully requested.

Respectfully submitted,
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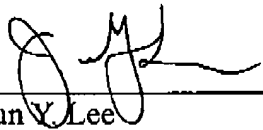
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I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office, Art Unit #3643, facsimile number 703-872-9306 on the date shown below.

For: ROSENBERG, KLEIN & LEE



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